IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ORACIO SANCHEZ, JR.,)
Plaintiff,) 2:19-CV-01429-RJC
VS.)
ULLI KLEMM and TRACY SMITH,)))
Defendants)

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is Plaintiff's Motion to Reinstate Civil Proceedings. (ECF No. 49). On September 20, 2022, the Honorable Patricia L. Dodge issued a Report and Recommendation (ECF No. 53) in which she recommended that the motion be denied. Plaintiff filed Objections (ECF No. 55) to Judge Dodge's Report and Recommendation, and defendants have responded. (ECF No. 56).

The district court must make a *de novo* determination of those portions of the report to which objections are made. 28 U.S.C. § 636(b)(1)(C); *see also Henderson v. Carlson*, 812 F.2d 874, 877 (3d Cir.1987). This Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The district court judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

Upon review of Judge Dodge's September 20, 2022 Report and Recommendation, Plaintiff's Objections and defendants' response thereto, as well as a review of the entire record in this matter, including the settlement agreement between the parties, it is hereby ORDERED as follows:

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Plaintiff's Objections to the Report and Recommendation are overruled and the Court

approves and adopts the Report and Recommendation (ECF No. 53) in its entirety as the Opinion

of the Court. Plaintiff's Motion to Reinstate Civil Proceedings (ECF No. 49) is hereby DENIED.

The Clerk of Court shall mark this case as CLOSED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of

Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided

in Fed. R.App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700

Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

BY THE COURT:

s/Robert J. Colville

Robert J. Colville

United States District Judge

DATED: November 1, 2022

cc/ecf: All counsel of record

ORACIO SANCHEZ, JR KR-8346

SCI FAYETTE

48 OVERLOOK DRIVE

LABELLE, PA 15450